SUPREME COURT, U. S.
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IN THE

Supreme Court of the United States

October Term, 1973
No. 73-1463

RAPHAEL KONIGSBERG, *et al.*,

Petitioners,

vs.

RICHARD M. NIXON

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

PETITION FOR REHEARING.

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This case is of great importance because of its bearing on the issue in United States v. Nixon, Nos. 73-1766 and 73-1834, now pending before this Court.

The facts alleged here, No. 73-1463, are, as shown in our petition, acts in which defendant and other persons participated, in the Presidential election of 1972, in impairing the regularity and integrity of the election, for the purpose of assuring extension of defendant's incumbency for a second term. Because of said acts, our petition then contends, the said election was rendered invalid and void, and regardless of whether defendant himself participated in said acts.

In Nos. 73-1766 and 73-1834, there is a *prima facie* showing, based on evidence presented, of a conspiracy in which defendant and others were likewise involved,

for the very same purpose, extension for another term of defendant's incumbency, and in like impairment of the regularity and integrity of the electoral process. In that proceeding in this Court defendant attempts to prevent disclosure of the evidence involved by assertion of a present executive privilege, but that privilege, if it exists, is then but a product of, and dependent on, the very incumbency which was the purpose and product of that conspiracy.

Thus a crime is asserted as its own defense. Our contention in No. 73-1463 avoids this fallacy of reasoning and reaches through to the heart of the issue, whether the rights and rules are controlled by an incumbency which in true effect is itself the thing under challenge.

Because of this bearing of the cause here, in No. 73-1463, on the cause in Nos. 73-1766 and 73-1834, and the enlightenment which it can give thereto, we point to the factor of importance in urging again that the writ of certiorari be granted here.

Respectfully submitted,

GEORGE T. ALTMAN,

Attorney for Petitioners.

Certificate of Counsel.

As counsel for the petitioners, I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 58(2).

GEORGE T. ALTMAN,
Counsel for Petitioners.